

**TOWN COUNCIL
REGULAR MEETING
JUNE 6, 2001
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. by Mayor Venis and was followed by the Pledge of Allegiance led by Boy Scout Troop #170.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Paul and Councilmembers Clark, Starkey and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Cynthia Turni, 3100 West Rolling Hills Circle, readdressed the idea of a moratorium against cell towers and cellular base stations. She thanked Council for looking into this and for supporting this proposal.

Elliott Frimmer, 1830 SW 81 Way, spoke about the hazards of cell towers and the future need for more of them, as they may be used for Internet service and other needs. He recommended that it was important for Council to step in now.

Jay Stahl, 5801 Surrey Circle West, spoke about dead trees planted by the Department of Transportation (DOT) along I-75 and other trees planted along Stirling Road in the past which were not cared for and had died. He stated that Hawkes Bluff Elementary School's landscaping had created an eyesore and suggested the Town help. Mayor Venis directed Mr. Willi to write a letter to the school about this issue. Vice-Mayor Paul suggested a possible partnership, which would call for student involvement.

Norm Blanco, 2080 SW 72 Avenue, complained about a neighbor, Mario Zacco and the way he had neglected the property where his business was, which bordered Mr. Blanco's property. Dogs had been allowed loose and the fence was falling down, while workers tossed garbage on Mr. Blanco's property. Code Compliance had been called and Councilmembers had been out to observe the situation. Mr. Blanco suggested that some of Mr. Zacco's people did not have a license to operate. Mayor Venis spoke about past attempts to resolve this issue with Mr. Zacco. He indicated that he had plans to meet with Mr. Zacco regarding the fence as well as other issues. Councilmember Truex asked if Code Compliance had been out. Mr. Willi responded affirmatively and staff was currently working on the complaints. He added that the Special Master had assessed ongoing fines that were accumulating.

Bob and Debbie Waitkus, 4720 SW 72 Avenue, with Canines for Companions for Independence, thanked the Town for co-sponsoring the Paws for Applause event, which raised \$33,000. They presented the Town with a plaque in appreciation.

Steve Paris, 58001 SW 31 Court, stated that a petition had been given to Council in support of the closure of SW 31st Court and Shotgun Road. He advised that there was not unanimous support of this, adding that of the 36 lots, 11 lot owners were not in favor. Mr. Paris indicated that this was a feeder route to Shotgun Road and the only ingress and egress to the area. He advised that those signing the petition cited examples of high school students creating too much cut-through traffic. Mr. Paris stated that he spoke with representatives from the Police and Fire Departments and the Police Department did not agree with this. He felt that this closure would also delay response times and asked Council to deny this petition.

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Grover Cleveland Baron, Sr., 3100 West Rolling Hills Circle, commended Council for the moratorium on businesses in their efforts to construct extra cell towers.

Julie Aitken, 3801 Flamingo Road, representing the Davie Agricultural Advisory Board, spoke about the recent Charter amendment to identify the rural equestrian areas of Davie and to ensure their preservation. She presented ideas that had been formulated by the Board and stated that developing these plans would take several months. Ms. Aitken added that it was important for the Board to present a report to Council before more land was lost to other forms of development.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to add a discussion of the Davie Agricultural Board to tonight's agenda under New Business. In a voice vote, all voted in favor. (Motion carried 5-0)

Raul Bosque, 14801 SW 31 Court, spoke about the dangerous traffic on 31st Court and stated that he was one of those who had originally signed the petition to close this roadway at Shotgun Road. Mr. Bosque spoke about Mr. Paris' comments regarding restricted access for emergency medical and asked both the Police and Fire chiefs if Mr. Paris spoke with them. They indicated he had not. Mr. Bosque reported that 4 of 31 residents did not vote in favor of this proposal. He added that the traffic would result in an unused trail system, as riding horses or bicycles in this area would be too dangerous.

Mark Kendall, 3200 SW 148 Avenue, spoke in favor of closing 31st Court, stating that a car was observed not heeding a stopped school bus which was picking up children. This was a dangerous situation and he would be willing to be inconvenienced in an effort to ensure safety.

Curtis and Curt Colberg, 14881 SW 31 Court, were also in favor of closing the road, as speeding drivers were a hazard. He stated that biking was difficult with his family and added that he needed to ride his bike on the grass to keep from being hit by a car.

Mike Bender advised Council that Mr. Paris had lied when he stated that police officers had been on that street and not issued a single ticket. Mr. Bender reported that after he had complained, an officer advised him that 100 tickets were written the last time officers were sent out. He added that he understood the inconvenience, but he felt the rural and equestrian character of Davie needed to be protected. Mr. Bender stated that most of the speeders were Weston residents, not Davie residents.

Richard Weiner, 10244 SW 18 Street, spoke about the Sunrise water issue explaining the reasons they needed to be evicted from the Davie water system. He asked staff to give an update at the next meeting or in the Davie Update about the status of these negotiations. He brought up a rumor that one or more Councilmembers were interested in contracting with Broward County for police services which he advised against this and commended the Davie Police Department. Mr. Weiner advised that the need to look at alternatives for schools in Davie was an important one and could include Charter schools or creating local school districts. He spoke about the School Advisory Board which was a result of the election campaign and reported that they had not met so far. Mr. Weiner reminded Councilmember Starkey that she had promised to make educational needs a priority and added that the Broward County School Board could change the boundary process without the Town's input. Vice-Mayor Paul advised that even when waiting for last appointments to be made, it was important for meetings to be initiated as certain matters were time sensitive. She added that as long as a quorum was in place, the meetings should take place.

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Councilmember Starkey asked Police Chief John George about the rumors to contract with the Broward Sheriff's Office. She indicated that she had not heard the rumor but it disturbed her. Mayor Venis advised that he had heard this rumor for years and it was false. Chief George stated that from the Police Department's perspective, he had not and would not encourage Sheriff Jenne to come into the Town's jurisdiction. He felt that partnerships with the County were important, but the Davie Police Department should stay in place. Councilmember Starkey indicated that the Town had an outstanding Police Department. Chief George commended the Department and its progress. Council agreed.

Joy Yoder, 12610 SW 13 Manor, stated that the road on 148th Avenue was very narrow and developments proposed for this area would create a great traffic impact. She suggested a road on the south side of these properties to connect with 142nd Avenue. Ms. Yoder reported that when she was on this road, she needed to pull off the road and suggested a south lane, as school buses took up much of the roadway which she felt was a safety hazard. She agreed with closing 31st Court.

4. PRESENTATIONS

4.1 Take a Kid Fishing Tournament Awards

Mayor Venis reported that this was possible because of the many sponsors and he recognized the volunteers who participated in this event, presenting them with certificates.

4.2 Open Space Advisory Board

Sandra Switzer, Chair, read a letter from the Board regarding the parks and open space trailway system that had developed over the years making the Town a prototype for other areas. The Board expressed concern with the increased use of the system and suggested steps be taken to provide for adequate maintenance of the trails and parks by setting aside budgeted monies. Councilmember Truex asked if the Board ever looked at site plans. Ms. Switzer indicated it did not as that this was left to staff. Councilmember Clark asked if there was a current problem with up-keep of the trails. Ms. Switzer responded that the only concern was for allocating the money to do this. Discussion followed about whether the Board should meet with developers or be involved in site plan issues.

4.3 Upcoming Special Events - Dennis Andresky and Bonnie Stafiej

Dennis Andresky, Parks and Recreation Director, announced that upcoming events included try-outs for travel soccer teams (June 9th) and tackle football and cheerleading team registration (program begins July 7th). He reported that the summer recreation program opened on June 18th and 95 children had been accepted into the scholarship program for participation in various areas.

Bonnie Stafiej, Special Projects Director, advised that upcoming events included: Five Star Rodeo Bull Riding (June 9th), wrestling (June 16th), rodeo (June 22nd during the day for children and June 23rd for the regular rodeo); and Independence Day Family Splash, crafts and fireworks show (July 4th).

Mayor Venis announced that items 9.4 and 10.6 needed to be tabled to June 20, 2001.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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Mayor Venis announced that item 12.1 had been withdrawn. He asked that item 13.1 be added to the agenda regarding South Florida Water Management and the consortium between Cooper City and Central Broward Drainage District. Mayor Venis stated that a list of requests were made by the consortium and correspondence from Water Management was subsequently received stating that it felt there were no real problems in the C-11 basin; however, the consortium felt there were major drainage issues in that basin. The result, Mayor Venis advised, was a resolution bringing the C-11 basin into a top priority.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to add item 13.1 to the agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve this resolution. In a voice vote, all voted in favor. (Motion carried 5-0)

5. MAYOR/COUNCILMEMBER'S COMMENTS

CONGRATULATIONS. Mayor Venis congratulated all the children on their school year. He hoped the Town would have a great summer and looked forward to the summer activities that staff had planned to keep entertained. He congratulated his daughter for her sports endeavors at her high school and for achieving the President's Award for academic achievement. Mayor Venis congratulated his son for receiving an award at Indian Ridge Middle School.

31ST COURT CLOSING. Mayor Venis spoke about the petition and was in support of this closure as he felt it was a safety issue. He advised that he had spoken to Town Engineer Dan Arner and advised that the County had been asked to conduct a study on this issue. Mr. Willi indicated that this study may take six months to complete. Mayor Venis suggested that County Commissioner Lori Parrish be contacted to help move this forward.

SPEED HUMPS. Mayor Venis advised that he continued to receive requests and when the roads were private roads, this was an easy task. He asked Mr. Willi for an update on the procedure. Mr. Willi stated that the draft policy had been given back to staff and would be brought back to Council for review.

I-75 INTERCHANGE. Mayor Venis advised that he had attended a meeting at Flanagan High School regarding this issue, however, nothing new was reported. He stated that DOT representatives indicated that they would hold neighborhood meetings if funding was put forward for this purpose.

TOWN PICNIC. Mayor Venis thanked staff for making this a successful event.

FLAMINGO ROAD MAINTENANCE. Mayor Venis advised that he had spoken to several residents in Orange Tree Estates and surrounding areas. He stated that the residents were asking the Town to cut the grass in the median as it was high.

IMAGINATION FARMS. Mayor Venis stated that the issue of setting forth criteria for the width of the canals in back of the residents on 31st Court would come up at the Central Broward Drainage District's next meeting. He asked Development Services Director Mark Kutney to forward all the specifics that were agreed upon to Mike Crowley.

COUNCILMEMBER CLARK

SPEED HUMPS. Councilmember Clark stated that Mr. Arner had sent letters to residents who had requested speed humps explaining the criteria necessary for such a request. She referred to the application form and copy of a sample petition. Mr. Willi stated that staff

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was reviewing the requests and advising of the criteria needed. Councilmember Clark felt that this was an important safety issue in general.

EVERGLADES MOBILE HOME PARK. Councilmember Clark reported that Mr. Kaiser had contacted Code Compliance regarding businesses by the Turnpike. She asked for more information on this complaint.

MATERNITY LEAVE. Councilmember Clark advised that she would be taking a short maternity leave throughout the remainder of the month.

COUNCILMEMBER TRUEX

POLICE DEPARTMENT RUMOR. Councilmember Truex advised that he had not heard the rumor, but he would not support disbanding the Town's Police Department.

PRE-HURRICANE CLEANUP. Councilmember Truex advised that the pre-hurricane debris program would be held on June 9th and 10th. He reported that debris could be dropped off at the Davie Rodeo Grounds and the Flamingo Road and Ivanhoe Fire Stations.

POLICE ISSUE. Councilmember Truex stated that the investigation report was forthcoming and the issue would be dealt with.

SUNSETTING BOARDS. Councilmember Truex stated that this issue was not on tonight's agenda but it would be coming up.

MEMORIAL DAY EVENTS. Councilmember Truex stated that the events were important to the Town and a tradition that should continue. He suggested that the Town should "back up" the Boy Scouts efforts as they did a lot for the Town.

ECONOMIC DEVELOPMENT. Councilmember Truex reported that he had recently given speeches on the importance of economic development and many residents had shown support of this. He stated that he would continue meetings on this issue.

PUBLIC RECORDS. Councilmember Truex spoke about access to public records and suggested that as much information as possible be made available to residents. He stated that most memos and reports were in an electronic format and could be retrieved through the Internet. Councilmember Truex spoke about other documents not in this format that could also be made available. Mr. Willi indicated that item 8.37 was for a document imaging system that was web-enabled which would allow Town records to be made available through the Internet.

COUNCILMEMBER STARKEY

FCAT GRADES. Councilmember Starkey reported that many test scores in Davie schools had risen and compared well to other schools around the County.

FACILITY TASK FORCE FOR SCHOOLS. Councilmember Starkey reported that the five-year capital plan for Broward Schools did not include the middle school site chosen for Davie, but it could come up in six or seven years.

OPEN SPACE. Councilmember Starkey spoke about the importance of preserving open space and advised that the State would help as funding through the Florida Forever Program had been set aside. She recommended incorporating a wildlife refuge and working to develop a larger tract. Councilmember Starkey stated that Davie met many of the criteria in the grant application and could include a private partnership in wetlands mitigation. She stated that this was a wetlands bank similar to what was used in Pembroke Pines. Her concern was that the deadline for the grant was August 13th and asked if staff could be directed to move forward. Councilmember Starkey stated that she had a Powerpoint

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presentation on the wetlands mitigation issue she would like to bring before the Water Advisory Board. Mr. Kutney agreed that time was short as a site would need to be found and all the needs of the grant coordinated.

Mayor Venis clarified with Councilmember Starkey that she was requesting that Council direct staff to pursue and follow up with applying for the grant and checking into the wetlands mitigation bank. In a voice vote, all voted in favor. (Motion carried 5-0)

COUNCILMEMBER PAUL

FALCON'S LEA HOMEOWNER'S ASSOCIATION. Vice-Mayor Paul advised that she had attended the Association's meeting on May 30th which had a great turnout, even though there was no specific crisis they were dealing with.

EVENTS. Vice-Mayor Paul advised that she had attended the Student of the Month and some of the DARE graduations. She indicated that she had attended the International Ballet performance at Bailey Hall, as well as the grand opening of Ryder Rental.

MEMORIAL DAY PARADE. Vice-Mayor Paul felt this was a moving service and a great opportunity to thank the veterans for all they've done.

IMAGINATION FARMS EQUESTRIAN PARK. Vice-Mayor Paul asked for a report on this.
31ST COURT. Vice-Mayor Paul spoke about this issue and felt it was great that residents took it upon themselves to do what they could to preserve the rural quality of these already developed areas. She congratulated residents on this solution.

8.3 and 8.4 Mr. Muniz read the proclamations

6. TOWN ADMINISTRATOR'S COMMENTS

HAPPY BIRTHDAY. Mr. Willi wished Vice-Mayor Paul a happy birthday.

TOWN PICNIC. Mr. Willi stated this was an enjoyable event.

AGENDA. Mr. Willi acknowledged the great amount of staff effort that was involved in preparing tonight's packet due to the number of items.

DRAINAGE PROJECT. Mr. Willi advised that the Town had established a team to coordinate this effort.

TECHNOLOGY CHANGES. Mr. Willi advised that centralized records and intensive training would be offered to make sure this transition was smooth.

PINE ISLAND RIDGE ANNEXATION. Mr. Willi advised that staff was working on an agreement regarding outstanding issues, which would be brought back to Council. He indicated that a Council meeting would be held in the fall at Pine Island's clubhouse.

NEW STAFF AND PROMOTIONS. Mr. Kutney introduced the new Assistant Town Engineer Tony Moore and Dana Whaley and Errol Laughton who were promoted to Code Compliance Inspectors.

7. TOWN ATTORNEY'S COMMENTS

HAPPY BIRTHDAY. Mr. Kiar wished Vice-Mayor Paul and Councilmember Starkey a happy birthday.

CELL TOWER MORATORIUM. Mr. Kiar spoke about the Indian River County moratorium on cell towers and reported that it had not been challenged. Experts had been hired to help rewrite portions of their Code and they had offered to share that with the

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Town. Councilmember Starkey asked when a resolution would be forthcoming, suggesting the next Council meeting [June 20, 2001]. Mr. Kiar stated that he would try to make that available by then.

CUMMINGS CASE. Mr. Kiar indicated that an agreement was reached with Mr. and Mrs. Cummings regarding the settlement and the agreement would be available at the next Council meeting.

CITRUS CANKER. Mr. Kiar advised that he had attended the oral argument presented in the Fourth District Court of Appeals but could not predict when a decision would be received on this. He felt that the three justices were extremely knowledgeable on all aspects of this issue.

8. CONSENT AGENDA

Minutes

8.1 April 18, 2001 - Regular Meeting

8.2 May 7, 2001 - Workshop Meeting

Proclamations

8.3 Linda Bocchimuzzo Day (June 7, 2001)

8.4 Rebecca Stone Day (June 6, 2001)

Home Occupational Licenses

8.5 Joe's Window Tinting, 2201 SW 112 Avenue

8.6 Silver Unit Construction Inc., 14901 SW 31 Court

Resolutions

8.7 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-2001-129 **THE BID TO PURCHASE TWO "M" SERIES ZOLL CARDIAC**
MONITOR/DEFIBRILLATOR/PACERS/NIBP, PULSE OX FROM ZOLL
MEDICAL CORPORATION AS A PREFERRED PROVIDER. (\$35,804)

8.8 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-2001-130 **THE BID FOR PAVEMENT MARKING AND STRIPING. (Best Striping, Inc. -**
\$25,000/year)

8.9 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-2001-131 **THE BID FOR SUPPLY AND INSTALLATION OF GUARDRAIL, MIAMI**
DADE COUNTY BID NO. 4421-1/03-OTR-CW. (Fence Masters, Inc. - \$60,000)

8.10 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-2001-132 **THE BID FOR GRIFFIN ROAD UTILITY RELOCATION. (Wolverine**
Engineering Contractors, Inc. - \$127,721)

8.11 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-2001-133 **THE BID FOR TWENTY (20) LAPTOP COMPUTERS AND TWO (2) NT**
SERVERS, BROWARD COUNTY BID A998204B1. (Dell Computer
Corporation - \$58,595)

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- 8.12
R-2001-134 **BID - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA, AUTHORIZING THE EXPENDITURE FROM THE LAW ENFORCEMENT TRUST ACCOUNT TO ACCEPT THE BID FOR WINDOWS BASED COMPUTERS, BROWARD COUNTY BID A998204B1. (Dell Computer Corporation - \$200,000)**
- 8.13
R-2001-135 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CALVIN GIORDANO & ASSOCIATES, INC. FOR TRAFFIC ENGINEERING SERVICES.**
- 8.14
R-2001-136 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ROBERT WALTERS ARCHITECTS FOR ARCHITECTURAL SERVICES.**
- 8.15
R-2001-137 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH STONER & ASSOCIATES, INC. FOR SURVEYING SERVICES.**
- 8.16
R-2001-138 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH MILLER LEGG & ASSOCIATES, INC. FOR SURVEYING SERVICES.**
- 8.17
R-2001-139 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH WILLIAMS, HATFIELD & STONER, INC. FOR CIVIL ENGINEERING INSPECTION SERVICES.**
- 8.18
R-2001-140 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CRAVEN THOMPSON & ASSOCIATES, INC. FOR CIVIL ENGINEERING AND CIVIL ENGINEERING INSPECTION SERVICES.**
- 8.19
R-2001-141 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CHEN AND ASSOCIATES FOR CIVIL ENGINEERING AND ENVIRONMENTAL ENGINEERING SERVICES.**
- 8.20
R-2001-142 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH URS CORP. FOR ENVIRONMENTAL ENGINEERING AND TRAFFIC ENGINEERING SERVICES.**
- 8.21
R-2001-143 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE COCA-COLA COMPANY FOR AN EXCLUSIVE BEVERAGE AGREEMENT.**

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- 8.22
R-2001-144 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A PROPOSED INTERLOCAL AGREEMENT WITH CITY OF DANIA BEACH FOR JOINT COVERAGE, AUTOMATIC AND MUTUAL AID OF FIRE RESCUE SERVICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**
- 8.23
R-2001-145 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE STIRLING APARTMENTS ASSOCIATES, LTD. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.**
- 8.24
R-2001-146 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE STIRLING APARTMENTS II, LTD. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.**
- 8.25
R-2001-147 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE BRENTWOOD TOWNHOUSE CONDOMINIUMS AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.**
- 8.26
R-2001-148 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE BRENTWOOD WEST TOWNHOUSE CONDOMINIUM ASSOCIATION AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.**
- 8.27
R-2001-149 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE CONTRACT BETWEEN THE TOWN AND FORT LAUDERDALE HARLEY-DAVIDSON, INC. FOR LEASED POLICE MOTORCYCLES AND AUTHORIZING THE MAYOR TO EXECUTE THE LEASE AGREEMENTS. (\$31,680/year)**
- 8.28
R-2001-150 **AMENDED AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION R-2001-88 AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AMENDMENT TO THE LARGE USER WASTEWATER AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND THE TOWN OF DAVIE; AND PROVIDING AN EFFECTIVE DATE.**

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- 8.29
R-2001-151 **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE EIGHTEENTH AMENDMENT TO 1988 INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE.
- 8.30
R-2001-152 **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2001 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE 1993 BROWARD COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE.
- 8.31
R-2001-153 **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AND EXECUTING THE 2001 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR THE PURPOSE OF TRANSPORTATION EXPENDITURES.
- 8.32
R-2001-154 **SCRIVENERS ERROR** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION R-2001-123 PERTAINING TO ASSIGNING A PAY GRADE IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN TO THE ASSISTANT TO DEPARTMENT DIRECTOR BY CORRECTING A SCRIVENERS ERROR.
- 8.33
R-2001-155 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND FOR THE PURCHASE OF SPECIALIZED TEXTURED ACOUSTICAL PANELS FOR THE POLICE DEPARTMENT INTERVIEW ROOMS. (Mantech Systems Engineering Corporation; \$9,382)
- 8.34
R-2001-156 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SCHARF & ASSOCIATES, INC. ARCHITECTS AND PLANNERS FOR ARCHITECTURAL SERVICES TO DESIGN A NEW COMMUNITY CENTER AND GYMNASIUM BUILDING AT POTTER PARK. (\$140,000.00)
- 8.35
R-2001-157 **AMENDED FEE SCHEDULE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTIONS R-90-304 AND R-99-133, WHICH ADOPTED FEE SCHEDULES AND CHARGES FOR SPECIAL SERVICES, BY CREATING A TOWNWIDE SCHEDULE.

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- 8.36
R-2001-158 **SELECTION/NEGOTIATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF PROFESSIONAL CONCESSIONS, INC. TO PROVIDE CONCESSIONAIRE SERVICES AT THE BERGERON RODEO GROUNDS AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.**
- 8.37
R-2001-159 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A DOCUMENT IMAGING SYSTEM, STATE OF FLORIDA BID 974-014-00-1. (Advanced Data Solutions, Inc. - \$30,688.10)**
- 8.38
R-2001-160 **PLAT AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "BOGGS COUNTRY ACRES PLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 4-1-01, 4150 SW 76 Avenue)**
- 8.39
R-2001-161 **GRANT FUNDING SUPPORT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA SUPPORTING THE APPLICATION FOR CHALLENGE GRANT FUNDING SUBMITTED BY THE DAVID POSNACK JEWISH COMMUNITY CENTER FOR AN EXPANSION OF THEIR FITNESS CENTER.**
- 8.40
R-2001-162 **CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE CLASS SPECIFICATION OF GEOGRAPHICAL INFORMATION SYSTEMS TECHNICIAN AND ASSIGNING A PAY GRADE IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.**
- 8.41
R-2001-163 **DESIGN GUIDELINES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND ADOPTING THE GRIFFIN ROAD ARCHITECTURAL DESIGN GUIDELINES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Site Plans

- 8.42 *SP 7-6-00, Grand Oaks Estates, 3500 SW 130 Avenue (R-1) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval based on staff's recommendations and that the rear elevations be adjusted as per Committee's recommendations to be reviewed by Chair Evans prior to Council meeting presentation*
- 8.43 *SP 3-8-01, Jaffe At 595, Inc., 10200 SW 101 Road (CC) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval based on staff's recommendations and adding that there was to be an increase of the second floor four-inch projection to a total of 12 inches from the base of the building line and to include the faux coral stone banding as part of that projection*

Temporary Use Permits

- 8.44 **TU 5-3-01, Davie Merchants and Industrial Assn., Inc., 6770 Stirling Road**

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8.45 TU 5-4-01, Davie Merchants and Industrial Assn., Inc., 2701 North University Drive

8.46 TU 5-5-01, Rick Case Honda Dealership, 15700 Pointe West Drive

Councilmember Starkey asked that items 8.7, and 8.11 be removed from the Consent Agenda. Councilmember Truex asked that items 8.12, 8.21, 8.35 and 8.37 be removed.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve the Consent Agenda without items 8.7, 8.11, 8.12, 8.21, 8.35 and 8.37. In a voice vote, all voted in favor. (Motion carried 5-0)

8.7 Councilmember Starkey thanked staff for their continuing improvement on EMS services and felt this would only add to their efforts on behalf of residents.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8.11 Councilmember Starkey thanked Chief George and the Police Department staff for contributing to the Law Enforcement Trust Fund. Chief George explained how important this fund was and the need for this purchase.

Councilmember Truex stated that 8.11 and 8.12 were both part of the technology upgrade and asked why they were separate. Chief George stated that the department had 20 Windows laptops in the field, but item 8.12 was to initiate the conversion of the rest of the Police Department to a Windows based system.

Councilmember Truex was concerned that this was a very large purchase with no bid and advised that these were both piggybacked from a Broward School Board bid from 1999. He distributed an article about corporate purchases of computers, which seemed to be competitive right now. Chief George indicated that a bid process was conducted by the School Board, adding that if the Town went out for bid on this it could delay the project and may not result in much savings. Some consideration was given to pricing and the County bid offered the best deal. He reported that Procurement Manager Herb Hyman worked with the Police Department in researching this. He pointed out that this was not waiving formal bid but adopting another one. Chief George described the service advantages.

Mr. Willi stated that different providers, software components and services were examined by the steering committee and this was their choice.

Councilmember Truex asked why this was not bid. Chief George explained that this was indeed a bid and described some of the other computer vendors that had been used in the past. Councilmember Clark remembered Mr. Hyman's discussion of the purpose of piggybacking and all that was involved in a formal bid process. She supported this resolution and the effort the Police Department had put forth to stay up to speed in this area. Councilmember Clark added that, although this should not be postponed, she suggested staff go to a formal bid in the future with other purchases.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve. In a voice vote, with Councilmember Truex dissenting, all voted in favor. (Motion carried 4-1)

8.12 Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Councilmember Truex dissenting, all voted in favor. (Motion carried 4-1)

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8.21 Councilmember Truex asked if this resolution included vending machines as well as concessions. Budget and Finance Director Christopher Wallace explained that the Town had a vending contract and a concessions contract, neither of which included language for an exclusive provider. He stated that this resolution would create a single provider for all concessions. Mr. Kiar stated that another look would need to be taken as to whether there was a provision in the concessionaire contract which subjected them to this exclusive beverage contract. Mr. Willi indicated that both vendors preferred Coca-Cola.

Councilmember Truex spoke about the contract and indicated that the concessionaires were required to purchase directly from the Coca-Cola Bottling Company. He spoke about the defined terms and felt that this would restrict any meeting or location in Town Hall from dispensing beverages from another source. He felt this would also restrict the use of plain cups. Councilmember Truex stated that if terms were reached with another sponsor, the same provisions would need to be extended to Coca-Cola. He spoke about the monetary benefits to the Town and the scoreboard signs offered by the contract. Councilmember Truex was greatly concerned that the scoreboard signs should have been bid out, adding that the signs had nothing to do with the beverages and the Town could get a better deal by pursuing this. He spoke about similar deals that were pushed through in the Town that had since been second-guessed.

Mayor Venis spoke about Mr. Hyman's work in this area. He stated that scoreboards were an expensive item and were very important to the residents and parents. Mr. Willi stated that two vendors were pursued and Coca-Cola had given the best offer. The scoreboards were not funded and came with a considerable cost. Public Works/Capital Projects Manager Bruce Bernard stated that the scoreboards were valued at over \$100,000 and the message aspect of the boards was also important. The scoreboards were essential to a variety of sports.

Councilmember Clark asked if the Town could get more than ten scoreboards. Mr. Bernard stated that when renovations were complete, he would ask about more scoreboards. Councilmember Truex suggested signs without scoreboards. Mr. Bernard indicated that the scoreboards were being given up front by the company without specific guarantee of sales.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve. In a voice vote, with Councilmember Truex dissenting, all voted in favor. (Motion carried 4-1)

8.35 Councilmember Truex suggested adding a electronic records supplied on disk or other electronic optical media. He recommended that the Town supply that information at \$5 per disk or the actual cost of the media, whichever was greater, plus actual labor costs if the request required extensive use of clerical, supervisory, and/or information technology resources." Mr. Willi stated that there were Florida Statutes regarding fees and the fee schedule reflected the matching categories. The only other fee that could be charged would be actual cost, not the \$5 for electronic media.

Councilmember Clark made a motion, seconded by Councilmember Starkey, to add the phrase "electronic media at actual cost" to the fee schedule. In a voice vote, with Vice-Mayor Paul being out of the room, all voted in favor. (Motion carried 4-0)

8.37 Councilmember Truex objected because this was a piggyback bid.

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Councilmember Clark made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Councilmember Truex dissenting, all voted in favor. (Motion carried 4-1)

9. PUBLIC COMMENTS

Ordinances - First Reading (Second Public Hearing to be held on June 20, 2001)

- 9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CREATING SECTIONS 12-375 THROUGH 12-379 ENTITLED "MASTER PLANNED DEVELOPMENTS"; PROVIDING MASTER PLANNED DEVELOPMENT GUIDELINES; AMENDING SECTION 12-54 ENTITLED "NONRESIDENTIAL PERFORMANCE STANDARDS"; TO REFLECT THE NEW MASTER PLANNED DEVELOPMENT REGULATIONS; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE. (tabled from May 16, 2001)**

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Councilmember Truex asked if an owner could develop a small portion of a large piece of property. Mr. Kutney felt that staff would be concerned if they saw an owner wanting to do this. Mr. Kutney stated that the original intent was to provide requirements for a concept plan and to require developers to meet the minimum of the existing zoning category. This would give guidelines for those parcels that were five acres or greater that were non-residential and would offer review capability for staff. This concept of piece-meal development was not addressed in the Code. Vice-Mayor Paul agreed that this went a step beyond the conceptual plan, which gave staff more to work with. She stated that this ordinance would be a step forward toward preservation.

Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- 9.2 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CREATING SECTION 12-33(II) ENTITLED "CLEARING AND GRUBBING", AMENDING CHAPTER 26, BY CREATING ARTICLE IV, ENTITLED "CLEARING AND GRUBBING OF LAND", AND SECTION 26-45, ENTITLED "PERMIT PROCEDURES PRIOR TO CLEARING AND GRUBBING OF LAND", PROVIDING FOR INTENT, APPLICABILITY, PERMIT PROCEDURES, PERMIT APPLICATION, AND REQUIRED DOCUMENTATION PRIOR TO THE ISSUANCE OF A PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE. (tabled from May 16, 2001)**

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Town Clerk Muniz read the ordinance by title. Mayor Venis advised that a public hearing would be held on June 20, 2001.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Vice-Mayor Paul referred to #3, which discussed the wildlife protection plan and animal relocation plan. She asked Mr. Kutney if a person responsible for this would be chosen by the developer or from a Town list. Mr. Kutney stated that it was to be selected by the developer, but staff would have the authority to check this and Council could change the language to provide for Town input. Vice-Mayor Paul recommended compiling a list. Mr. Kutney stated that staff tried not to give recommendations. Mr. Kiar advised that Cooper City provided a list for this purpose. Vice-Mayor Paul asked if staff would have the option of sending someone out to review the wildlife situation if they disagreed with the decision made by the developer's expert. Mr. Kutney stated that bringing in an expert would incur cost for the Town with Vice-Mayor Paul suggesting that a provision be added for the developer to incur the cost in that case. Mr. Kiar indicated that an amendment could be added to this effect and the ordinance required an affidavit to be signed by the chief executive officer to protect the accuracy of such a decision.

Councilmember Clark reminded all that the original question had to do with payment for services and asked if it could be added that should staff have a question, an expert selected by staff could be used at the cost of the developer. Mr. Connick suggested that this would be inequitable if staff just had a question; however, if they truly objected, it would be more appropriate for the developer to be charged.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to approve with an amendment under B-2 that staff could have an alternative opinion with an equitable cost distribution. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

9.3 COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LA (TXT) 01-2B AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE TRANSPORTATION ELEMENT TO REVISE THE LEVEL OF SERVICE STANDARD FOR INTERSTATE 595 PURSUANT TO A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DOAH CASE NO. 99-1308GM); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Venis advised that a public hearing would be held on June 20, 2001.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

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9.4 STAFF REQUESTING A TABLING TO JUNE 20, 2001

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CREATING SECTIONS 12-32.100 THROUGH 12-32.106 ENTITLED "COMMUNITY BUSINESS CENTER DISTRICT"; PROVIDING FOR DEVELOPMENT REGULATIONS FOR THE COMMUNITY BUSINESS CENTER ZONING DISTRICT; AND AMENDING SECTION 12-503 ENTITLED "DEFINITIONS"; PROVIDING FOR DEFINITIONS RELATING TO THE CREATION OF THE COMMUNITY BUSINESS CENTER DISTRICT; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE. (tabled from May 16, 2001)

This item was tabled earlier in the meeting.

10. PUBLIC HEARINGS

Ordinances - Second and Final Reading

- 10.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2001-27 **CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT, AMENDING THE DECLARATION OF RESTRICTIONS; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-2-01, Parkway Christian Church, 1200 South Flamingo Road)**

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- 10.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2001-28 **CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RM-10, MEDIUM DENSITY DWELLING DISTRICT, TO B-2, COMMUNITY BUSINESS DISTRICT, WESTERN THEME OVERLAY, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; AND AMENDING THE CORRESPONDING LEGAL DESCRIPTION OF THE WESTERN THEME DISTRICT BOUNDARIES CONTAINED IN LAND DEVELOPMENT CODE SECTION 12-386, ENTITLED "BOUNDARIES"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-1-01, MAF Realty, 6101 Orange Drive)**

Town Clerk Muniz read the ordinance by title.

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Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - abstained. (Motion carried 4-0)

- 10.3 **AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2001-29 **AMENDING ORDINANCE NO. 98-46 WHICH WAS AN ORDINANCE**
 CHANGING THE LAND USE CLASSIFICATION OF LANDS WITHIN THE
 TOWN FROM "RESIDENTIAL (5 DU/AC)" TO "EMPLOYMENT CENTER,
 SPECIAL CLASSIFICATION" TO INCLUDE LANGUAGE RESTRICTING
 FLOOR AREA RATIO, AND RETAIL AND RESTAURANT USE PURSUANT
 TO A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA
 DEPARTMENT OF COMMUNITY AFFAIRS (DOAH CASE NO. 99-1308GM);
 PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
 DATE.

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

Quasi Judicial Items

- 10.4 **VARIANCE - V 3-2-01, MDM Services/BP/Amoco, 13652 State Road 84 (B-2)**
 (to reduce a portion of the landscape buffer to 5 feet wide from a point
 beginning at the southeast corner of the subject site terminating 35 feet to the
 north) *Planning and Zoning Division recommended approval; Planning and*
 Zoning Board recommended approval

Mayor Venis swore in the witnesses.

Rick Peters, representing the petitioner, was present. Mr. Kutney summarized the planning report.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the issue. No one spoke.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- 10.5 **SPECIAL PERMIT - SE 5-1-01, Schmidt, 12070 SW 22 Court (AG) (to reduce the**
 required rear yard setback from 40 feet to 36 feet) *Planning and Zoning*
 Division recommended approval subject to the planning report; Planning and
 Zoning Board recommended approval subject to staff's recommendation

Mayor Venis swore in witnesses.

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Celia Schmidt, the petitioner, was present. Planning and Zoning Manager Jeff Katims summarized the planning report.

Ms. Schmidt explained the request.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the issue.

Greg Tait, 12041 Ashford Lane, stated that staff had indicated that this home would fit on the lot. He referred to a letter and described a meeting he had with a neighbor and the petitioner in which the petitioner would not agree to move their home forward as they felt it would devalue their property. Mr. Tait asked Council to approve with staff's recommendations.

Rich Danzy, 12081 Ashford Lane, stated that he found the idea of a two-story home offensive and felt a compromise could work. He supported staff's recommendations.

Councilmember Clark clarified with Mr. Katims that if the owner moved the house forward two feet eight inches, the request would be reduced to one foot four inches. Councilmember Clark asked what kind of impact this would have for the petitioner. Ms. Schmidt stated that the change from a 25 foot setback to a 36 foot setback had already cost them an extra \$15,000 and another move would be an additional \$5,000. The problem was that this would impact the entrance to the whole community. The site plan included four species of plants which were pre-existing. Ms. Schmidt explained that the walkway would be reduced to an unreasonable space. She advised that she had offered to build a two-story house instead which the neighbors indicated they did not want.

Mr. Tait introduced pictures, entered as Exhibit A, showing the landscaping and the space provided for a walkway, which he indicated was quite wide. He stated that the landscaping came no more than 15 feet from the road and the setback was 35 feet. He was certain a sidewalk could be put in the 20 remaining feet. Mayor Venis established with Mr. Tait that the photos were taken just a few days ago.

Ms. Schmidt described her photos and introduced them into evidence as Exhibit B. The plans of the house were shown and she stated that it was the back of the garage that would be four feet closer to the ten-foot hedge already in place. Ms. Schmidt stated that this could not be seen from the neighbor's property.

Councilmember Clark did not feel it was enough of an impact to deny the request for two feet eight inches.

Jay Stahl referred to the plat and indicated that all the homes on that street had 100-foot backyards and he explained that the neighbors' complaint had to do with the closeness of this house to theirs. He stated that a house should not have been put on this lot, but the plan should be for the construction of a house that met Code requirements. Mr. Stahl felt that the setback was not adequate and as the main entrance was located on the side of the house, the reduced space in front would work. Mr. Stahl indicated that the front door would not need to be used. He asked Council to deny.

Mr. Tait reminded Council that the request was for four feet and those opposing it had agreed to 1.4 feet. He felt that the one-story house would fit adequately, but needed to be pushed back the 1.4 feet.

Mr. Danzy stated that his main concern was an objection a two-story home.

Mayor Venis pointed out that it would be a worse privacy issue for the owner to construct a two-story home than to situate the house as she was requesting. Councilmember

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Truex agreed that this was an odd size lot and would recommend approving with staff's recommendations. He was not concerned with Ms. Schmidt's threat to build a two-story home.

Councilmember Clark stated that the other residents were led to believe that this would be left as open space and not developed. She stated that it would be a greater expense to build a two-story home, than to change the current plans. Councilmember Clark felt it was too much of a financial burden for the one foot, eight inch difference.

Councilmember Clark made a motion to approve the petitioner's request for reduction of four feet setback on the rear yard. The motion was denied due to the lack of a second.

Councilmember Truex made a motion to approve based on staff's recommendation.

Mayor Venis asked Ms. Schmidt if she would be able to live with staff's recommendation. Ms. Schmidt reminded Council that this was already moved 11 feet. She stated that the back yard was concealed from the neighbors and it was her concern that their true objection was that a house was going to be built. Ms. Schmidt pointed out that it was zoned residential and this setback was greater than the 25-foot setback of the house on the other side. She did not plan to ask for this special permit, but this was the architect's error.

Councilmember Truex stated that the neighbors had lived there and followed the rules. He felt that the compromise proposed by Mr. Stahl and the Planning and Zoning Board was reasonable.

Councilmember Truex restated his earlier motion, seconded by Vice-Mayor Paul, to approve with staff's recommendations. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Paul - yes; Councilmember Clark - no; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 3-2)

Mr. Connick stated that the Town had a copy of the architectural plans submitted by the applicant. The Town's plans would be entered an the exhibit.

Item to be tabled

**10.6 PLANNING AND ZONING BOARD TABLED TO JUNE 13, 2001:
COUNCIL CAN TABLE TO JUNE 20, 2001**

ZB 4-1-01, Evangelical Formosan Church/Daher, 1515 Hiatus Road

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

11. APPOINTMENTS

11.1 School Advisory Board (one exclusive appointment - Mayor Venis; term expires March 2002)

Mayor Venis deferred his appointment.

11.2 Youth Advisory Board (two exclusive appointments - Mayor Venis; terms expire April 2002)

Mayor Venis appointed Tony Mulhill.

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- 11.3 Planning and Zoning Board/Local Planning Agency (one exclusive appointment - Councilmember Starkey; must be a resident and qualified voter - nominations require approval by Council) (term expires May 21, 2002)

Councilmember Starkey appointed Mimi Turin. In a voice vote, all voted in favor. (Motion carried 5-0)

- 11.4 Community Relations Board (two exclusive appointments - Councilmember Starkey; terms expire May 2002)

Councilmember Starkey appointed Dennis Shaw and Kitty Preziosi.

- 11.5 Child Safety Board (one exclusive appointment - Vice-Mayor Paul; term expires July 2001)

Vice-Mayor Paul deferred her appointment.

- 11.6 Broward League of Cities - Delegate and Alternate

Councilmember Starkey was recommended as the delegate and Vice-Mayor Paul as the alternate.

12. OLD BUSINESS

12.1 WITHDRAWN BY STAFF

30th Street Pocket Park (tabled from April 4, 2001)

This item was withdrawn earlier in the meeting.

13. NEW BUSINESS

- 13.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING
R-2001-164 SOUTH FLORIDA WATER MANAGEMENT DISTRICT MAKE FUNDING OF RECOMMENDED MAINTENANCE IMPROVEMENTS TO THE EAST AND WEST C-11 BASIN A TOP BUDGETARY PRIORITY, AND ASKING FOR SUPPORT IN FUNDING TOWN SPONSORED CORRECTIVE ACTIONS.

This item was approved earlier in the meeting.

13.2 Letter from Davie Agricultural Board

Vice-Mayor Paul felt this was an important issue and there was a mandate from the public for this preservation. She recommended moving forward as quickly as possible. Vice-Mayor Paul asked Council to give direction to staff to prepare an ordinance for the next meeting for a zoning in progress. She stated that at the Board's meeting, there was clear direction given.

Mr. Kiar indicated that the zoning in progress was in the Code and stated that if there was a proposed change to a zoning in progress, someone could get the zoning approval as long as they were willing to go with the proposed change. He recommended being very specific and suggested that Section 12-311 would allow Council more leeway.

Vice-Mayor Paul agreed that Mr. Kutney and the Board were aware that they needed to be specific. Mr. Kutney stated that Council had given input and he had received a report from the Board, but the specificity was essential to withstanding any challenge. Vice-Mayor Paul was concerned about a time limit and, as this policy was being formulated by Council

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and staff, developers were continuing to purchase parcels of land. Mr. Kutney asked if she wanted a workshop on this issue. Vice-Mayor Paul stated that there was a defined mission and a workshop proposed for May was not held. She felt that the workshop could happen after the zoning in progress was in place. Vice-Mayor Paul referred to Griffin Road and the workshop that was accomplished during the zoning in progress. Mr. Kutney indicated that the land area here was much greater than the Griffin Road area.

Councilmember Starkey stated that she would like to see a zoning in progress, but felt a clear intent was important. He indicated that a defined overlay district for western areas was also important and would take time for staff to develop.

Mr. Kutney stated that staff would come back with a composite based on what had been told to them. He recommended a meeting to discuss this again. Vice-Mayor Paul felt that this would need to be immediate.

Councilmember Truex asked about a building moratorium. Mr. Kiar explained that there were various criteria and requirements for a moratorium. Councilmember Starkey was opposed to this plan as it would open Council up to challenge immediately. Mr. Kiar agreed there would be legal challenges.

Mayor Venis recommended a workshop be held in the next two weeks so that the report could come back before Council by July.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:05 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk